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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,599	08/25/2003	Bhavesh Mehta	50269-0558	4272

29989 7590 07/19/2004

HICKMAN PALERMO TRUONG & BECKER, LLP  
1600 WILLOW STREET  
SAN JOSE, CA 95125

EXAMINER

YOUNG, JOHN L

ART UNIT PAPER NUMBER

3622

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/648,599

Applicant(s)

MEHTA ET AL.

Examiner

John L Young

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received

JOHN LEONARD YOUNG, ESQ.  
PRIMARY EXAMINER

*[Signature]*  
7-12-2004

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/12/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **NON-FINAL REJECTION**

### **DRAWINGS**

1. This application has been filed with drawings that are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

### **ABSTRACT OBJECTION**

2. The ABSTRACT is objected to because it is over 150 words in length.

### **CLAIM REJECTIONS — 35 U.S.C. §103(a)**

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter

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pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ariga US 2001/0056489; class 709/225, (12/27/2001) [US f/d: 06/20/2001] (herein referred to as "Ariga").

As per claim 1, Ariga (the ABSTRACT; FIG. 9; FIG. 1; FIG. 2; FIG. 4; FIG. 5; FIG. 7; ¶¶ [0043] and whole document) implicitly shows the elements and limitations of claim 1.

Ariga lacks explicit disclosure of the elements and limitations of claim 1, even though the disclosure of Ariga implicitly shows same.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Ariga (the ABSTRACT; FIG. 9; FIG. 1; FIG. 2; FIG. 4; FIG. 5; FIG. 7; ¶ [0043]; ¶ [0009]; and whole document) implicitly shows the elements and limitations of claim 1; and it would have been obvious to modify and interpret the disclosure of Ariga cited above as showing the elements and limitations of claim 1, because modification and interpretation of the cited disclosure of Ariga would have provided a *"regional information distribution system for use in distributing regional information to consumers through a communication*

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*network, said system comprising: an information input terminal for making advertising data designating regions. . . .*" (see Ariga ¶ [0008], based on the motivation to modify Ariga so as to provide "Date, time, and period for distributing said advertising data. . . ." (See Ariga ¶ [0009]).

As per claims 2-20, Ariga shows the method of claim 1 and subsequent base claims depending from 1.

Ariga (the ABSTRACT; FIG. 9; FIG. 1; FIG. 2; FIG. 4; FIG. 5; FIG. 7; ¶ [0043]; ¶ [0009]; and whole document) implicitly shows the elements and limitations of claims 2-20.

Ariga lacks explicit recitation of the elements of claims 2-20, even though Ariga implicitly shows same.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Ariga (the ABSTRACT; FIG. 9; FIG. 1; FIG. 2; FIG. 4; FIG. 5; FIG. 7; ¶ [0043]; ¶ [0009]; and whole document) implicitly shows the elements and limitations of claims 2-20; and it would have been obvious to modify and interpret the disclosure of Ariga cited above as showing the elements and limitations of claims 2-20, because modification and interpretation of the cited disclosure of Ariga would have provided a "regional information distribution system for

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*use in distributing regional information to consumers through a communication network, said system comprising: an information input terminal for making advertising data designating regions. . . .*" (see Ariga ¶ [0008], based on the motivation to modify Ariga so as to provide "Date, time, and period for distributing said advertising data. . . ." (See Ariga ¶ [0009])).

#### CONCLUSION

4. Any response to this action should be mailed to:

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh Floor Receptionist  
Crystal Park V  
2451 Crystal Drive  
Arlington, Virginia.

Serial Number: 10/648,599

(Mehta et al.)

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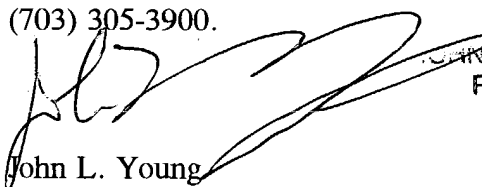
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is

(703) 305-3900.

 **JOHN LEONARD YOUNG, ESQ.**  
**PRIMARY EXAMINER**

Primary Patent Examiner

July 12, 2004